

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:22-cv-00693-MR

LANCE RICHARDSON PAGAN, )  
Plaintiff, )  
vs. )  
DAVID BROGDON, et al., )  
Defendants. )  
\_\_\_\_\_  
)

ORDER

**THIS MATTER** is before the Court on review of the docket in this matter and Plaintiff's Pro Se "Motion" [Doc. 13].

Pro se Plaintiff Lance Richardson Pagan ("Plaintiff") filed this action pursuant to Bivens v. Sic Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). [Doc. 1]. The Court conducted initial review of Plaintiff's Complaint pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A. [Doc. 12]. The Court found that Plaintiff failed to state a claim upon which relief can be granted and allowed Plaintiff thirty (30) days from June 20, 2023, to amend his Complaint in accordance with the terms of the Court's Order. [Id.]. The Court advised Plaintiff that if he failed to timely file an amended Complaint, this action would be dismissed without prejudice and without further notice to Plaintiff. [Id. at 12-13]. The Court also ordered

Plaintiff to notify the Court of his new address within 14 days of the Court’s Order or the action would be dismissed for Plaintiff’s failure to prosecute. [Id. at 13]. The Clerk mailed the Order to Plaintiff’s address of record at the time at the Catawba County Detention Center in Newton, North Carolina. [6/20/2023 (Court Only) Docket Entry]. On July 18, 2023, Plaintiff filed a motion “requesting a speedy trial,” stating he is “know [sic] at Edgefield S.C. and is not receiving the medical care needed for his injuries.” [Doc. 13]. The Court also construed this “Motion” as a Notice of Change of Address and updated the docket to reflect Plaintiff’s new address at Edgefield Federal Correctional Institution (“Edgefield CI”) in Edgefield, South Carolina. On July 28, 2023, the Court’s initial review Order was returned to the Clerk as undeliverable with a notation that Plaintiff “is no longer confined at this facility.” [Doc. 14 at 1]. On July 31, 2023, the Clerk resent the Court’s initial review Order, along with a blank prisoner § 1983 form, to Petitioner at Edgefield CI. [7/31/2023 (Court Only) Docket Entry]. On August 15, 2023, the Court received what Plaintiff described as “[his] second letter to the Court stating [his] address” at Edgefield CI. [Doc. 15].

More than 30 days have passed since the Court resent its initial review Order to the Plaintiff on July 31, 2023, and the Plaintiff has not filed an amended complaint. The Court will, therefore, dismiss this action without

prejudice.

**ORDER**

**IT IS, THEREFORE, ORDERED** that Plaintiff's Complaint [Doc. 1] is dismissed without prejudice.

**IT IS FURTHER ORDERED** that Plaintiff's Motion [Doc. 13] is **DENIED** as moot.

The Clerk is instructed to terminate this action.

**IT IS SO ORDERED.**

Signed: September 19, 2023



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Martin Reidinger  
Chief United States District Judge

